

AMNESTY INTERNATIONAL PUBLIC STATEMENT

Index: ASA 36/7225/2017
4 October 2017

Singapore: Arrest of lone protestor widens crackdown on rights defenders

The most recent arrest and detention of lone protestor, Seelan Palay, is further evidence of the use of the Public Order Act to clampdown on human rights defenders in Singapore.

On 1 October 2017, artist and activist Seelan Palay performed a political art piece titled '32 years: the Interrogation of a mirror', to commemorate 32 years of detention without trial of former elected Member of Parliament, Chia Thye Poh. He obtained a permit for this protest, and walked from Hong Lim Park to Parliament with his art, where the police sought to remove him. Police allege he did not specify in his permit his intention to move from the park to outside Parliament. He was arrested by seven policemen under the Public Order Act, detained overnight for questioning and released the next day, 2 October, over 24 hours later.

Seelan Palay was arrested for no other reason than the peaceful exercise of his human right to freedom of expression, using Singapore's restrictive clauses on "assemblies or processions" in the Public Order Act.

International human rights law allows for the exercise of the rights to freedom of expression, association and peaceful assembly, to be subject to some restrictions. However, any such restrictions are only permissible if they are, first, provided by law; second, placed for the purpose of protecting certain public interests (national security or public safety, public order, protection of public health or morals) or the rights and freedoms of others; and, third, demonstrably necessary for that purpose. Any restrictions imposed which do not meet all elements of this "three-part test" constitute violations of these rights. Seelan Palay's arrest means that the Singapore authorities have clearly failed this test.

Seelan Palay continues to be the subject of an ongoing pending investigation and is at risk of being charged with a criminal offence. Amnesty International calls on the Singapore authorities to abandon any criminal procedures against Seelan Palay. Amnesty International further calls on Singapore authorities to put in place adequate legal and practical mechanisms and procedures to ensure that the rights

to freedom of expression and peaceful assembly are enjoyed by all and not subject to arbitrary restrictions.

Background

Under the Public Order Act, police and other officials have broad and arbitrary powers to restrict or ban public assemblies and protests, in an environment where rights activists are already heavily restricted. For example, section 3 of the Public Order Act defines an assembly to include a person carrying out a demonstration by themselves. This creates unnecessary restrictions on an individuals' right to freedom of expression and peaceful assembly. In addition, it is unclear when an individual must apply for a permit for activities carried out in a public space.

As of 3 April 2017, organizers of public events have had to adhere to even stricter measures including applying for a permit at least 28 days in advance and informing the police of the estimated size of the gathering, following the amendment of the Public Order Act. Failure to do so could result in a fine of SGD \$20,000 (USD 14,297), imprisonment for up to a year, or both. Such measures are unnecessary and disproportionate, resulting in violations of the rights to freedom of expression and peaceful assembly.

In February 2017, a fine of SGD \$3,100 (USD \$2,281) was imposed on political activist and government critic Han Hui Hui for a peaceful demonstration she organised at Hong Lim Park in 2014, protesting the misuse of government pension funds. This prevents her from standing in the next parliamentary election.

In June, organisers of Pink Dot - an annual gathering for lesbian, gay, bisexual, transgender and intersex (LGBTI) people, their friends, families and supporters of LGBTI rights – were forced to construct barricades around the perimeter of Hong Lim Park, where the event was scheduled to be held, and subject participants to ID checks, in order to ensure no foreigners would take part in the event.

In September, anti-death penalty activists including Kirsten Han, Jolovan Wham, Terry Xu and Jason Woo, were investigated by police for taking part in a public assembly without a permit, for participating in a peaceful vigil outside Changi Prison against the execution of Malaysian National, Prabakaran Srivijayan that took place on 14 July 2017.